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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,565	08/14/2001	Gordon Johnston Robertson Povey	668-62	2368

7590 03/26/2003  
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Duane Morris LLP  
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EXAMINER

GOINS, DAVETTA WOODS

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 03/26/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/913,565

Applicant(s)

POVEY ET AL.

Examiner

Davetta W. Goins

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2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \*   c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 & 6.                      6) ☐ Other:

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***Claim Objections***

1. Claim 1 objected to because of the following informalities: The language "Characterised in that the or each loop" should read as "characterized in that each loop". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Regarding claim 3, line 2, the phrase "for example" or "i.e." renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Stanczyk (US Pat. 5,614,894).

In reference to claims 1, 3, 8, Stanczyk discloses the claimed conductive loop arranged in a road surface, characterized in that each loop is arranged substantially in a plane perpendicular to the

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road surface, which is met by loop or loops 2 in a rectangular shape (claim 8) and/or arrangement disposed perpendicularly to the x axis of the roadway 1 (col. 2, lines 55-66).

In reference to claims 2, 10, Stanczyk discloses the claimed plane extends across the road, which is met by the loop or loops 2 being placed along the roadway 1. The loop or loops 2 being disposed at least on one or both tracks 1'' for movement along a lane 1' of the roadway (col. 2, lines 55-67; col. 3, lines 1-6).

In reference to claim 4, Stanczyk discloses the claimed plurality of loops arranged in a line in a single slot cut into the road surface, which is met by the loop or loops 2 can be secured to one or two flexible and resistant sheets or strips and may be disposed on or below the path of a roadway (col. 5, lines 3-47).

In reference to claim 5, Stanczyk discloses the claimed one active electronic component located in the slot adjacent to each loop, which is met by electromagnetic detector 3 (col. 5, lines 22-29).

In reference to claim 6, Stanczyk discloses the claimed components mounted on a very small hybrid circuits at regular intervals, which is met by loop or loops 2 preferably of the order of 0.3 meter including the first circuit (col. 4, lines 1-9; col. 4, lines 66,67).

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In reference to claim 7, Stanczyk discloses the claimed loop or loops encapsulated in a semi-rigid enclosure, which is met by the installation on or within the roadway 1, the loop or loops 2 can be secured within rubber, plastic, synthetic material (col. 5, lines 37-47).

In reference to claim 9, Stanczyk discloses the claimed loop comprising a plurality of turns, which is met by loop or loops 2, each comprised by one or several turns (col. 2, lines 55-66).

6. The prior art of record and not relied upon is considered pertinent to the applicant's disclosure as follows. Akagi et al. (US Pat. 5,426,363) and Morgan et al. (US Pat. 6,084,533), which are references that deal with vehicle detecting devices.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davetta W. Goins whose telephone number is 703-306-2761. The examiner can normally be reached on Mon-Fri with every other Fri. off.

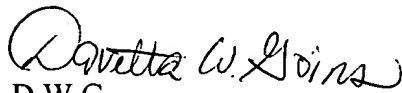
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 703-308-6730. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-7666.

A handwritten signature in cursive script that reads "Davetta W. Goins". The signature is written in dark ink and is positioned to the left of the typed name and date.

D.W.G.

March 23, 2003

Davetta W. Goins  
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